

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GEORGE RALPH BEACHEM II,

Plaintiff,

v.

**LT. STEPHEN SMART, and
COLLIN COUNTY DETENTION
FACILITY,**

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL NO. 4:20-CV-859-RAS-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #33), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636.

Pending before the court is Defendants Lt. Stephen Smart (“Lt. Smart”) and Collin County Detention Facility’s (the “Detention Center”) Motion to Dismiss (the “Motion”) (Dkt. #27). In the Report, the Magistrate Judge recommends: (1) the Motion be granted; (2) Plaintiff George Ralph Beachem II’s (“Plaintiff”) claim against the Detention Center be dismissed; (3) Plaintiff be granted leave to amend his claim against Lt. Smart; and (4) if Plaintiff fails to file an amended pleading, Plaintiff’s claim against Lt. Smart should be dismissed. *See* Dkt. 33.

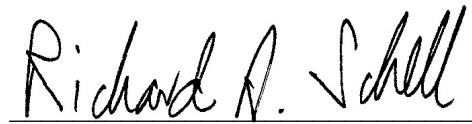
Having received the Report of the United States Magistrate Judge, and no timely objections having been filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, in part, and adopts the Magistrate Judge’s report, in part, as the findings and conclusions of the court.

IT IS ORDERED that:

1. The Motion (Dkt. #27) is **GRANTED IN PART**;
2. Plaintiff's claim against the Detention Center is **DISMISSED**;
3. Plaintiff is granted leave to amend his claim against Lt. Smart, with the amended pleading due no later than fourteen (14) days after service of this Order. If Plaintiff fails to amend his complaint, the court will dismiss Plaintiff's claim against Lt. Smart.

IT IS SO ORDERED.

SIGNED this the 22nd day of August, 2022.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE